

# FAX

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**ATTN.** John Q. Chavis

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**Fax Number** 1 703 872 9306

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**FROM** Volel Emile, Esq.

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**SUBJECT** Response to 1st Office Action (09/981,901)

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**Number of Pages** 15

**Date** 1/26/2005

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## MESSAGE

This fax transmission contains:

1. one copy of a Transmittal Form;
2. one copy of a Fee Transmittal Letter; and
3. one copy of the Response.

Volel

PTO/SB/21 (02-04)

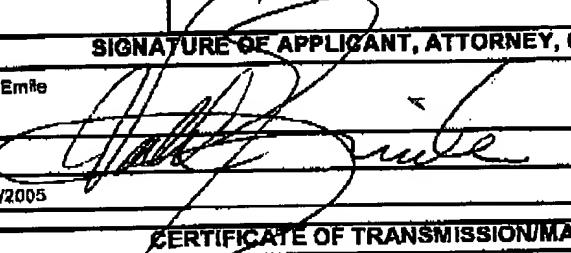
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|  |  |                        |                 |
|--|--|------------------------|-----------------|
| <b>TRANSMITTAL FORM</b><br><i>(to be used for all correspondence after initial filing)</i> |  | Application Number     | 09/581,801      |
|  |  | Filing Date            | 10/18/2001      |
|  |  | First Named Inventor   | Drane et al.    |
|  |  | Art Unit               | 2124            |
|  |  | Examiner Name          | John Q. Chavis  |
| Total Number of Pages in This Submission   |  | Attorney Docket Number | AUS920010864US1 |

| ENCLOSURES (Check all that apply)  |   |   |  |
|--|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form                     | <input type="checkbox"/> Drawing(s)                                       | After Allowance communication to Technology Center (TC)                                 |  |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences     |  |
| <input checked="" type="checkbox"/> Amendment/Reply                          | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |  |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information  |  |
| <input type="checkbox"/> Affidavits/declaration(s)                           | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter  |  |
| <input type="checkbox"/> Extension of Time Request                           | <input type="checkbox"/> Change of Correspondence Address                 | <input type="checkbox"/> Other Enclosure(s) (please identify below):                    |  |
| <input type="checkbox"/> Express Abandonment Request                         | <input type="checkbox"/> Terminal Disclaimer                              |   |  |
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| <input type="checkbox"/> Certified Copy of Priority Document(s)              | <input type="checkbox"/> CD, Number of CD(s) _____                        |   |  |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application    | <input type="checkbox"/> Remarks  |   |  |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |   |   |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |   |
|-------------------------|---|
| Firm or Individual name | Volel Emile   |
| Signature               |  |
| Date                    | 01/26/2005  |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                       |  |
|-----------------------|--|
| Typed or printed name | Volel Emile  |
| Signature             |  |
|                       | Date 01/26/2005  |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DOCKET NUMBER: AUS920010864US1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 26 2005

In re: Application of:  
Drane et al.

Serial No: 09/981,901

Filed: 10/18/2001

Title: APPARATUS AND METHOD OF  
USING A HYBRID OF FIXED MEDIA DATA  
AND NETWORK-BASED DATA TO PROVIDE  
SOFTWARE CHANGES

: Before the Examiner:  
John Q. Chavis

: Group Art Unit: 2124

: Confirmation No.: 7308

:

:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified Application.

- No additional fee is required  
 The fee has been calculated as shown below:

|   | Claims<br>Remaining<br>After<br>Amendment | Highest No.<br>Previously<br>Paid For | Present<br>Extra | Rate    | Addit.<br>Fee   |
|---|---|---------------------------------------|------------------|---------|-----------------|
| Total                                   | 20  | MINUS                                 | 20               | = 0     | x 50 = \$ 0.00  |
| Indep.                                  | 4   | MINUS                                 | 4                | = 0     | x 200 = \$ 0.00 |
| 1st Presentation of Multiple Dep. Claim |   |                                       |                  | x 360 = | \$ 0.00         |
|   |   |                                       |                  | TOTAL   | \$ 0.00         |

- Please charge my Deposit Account No. 09-0447 in the amount of \$ 0.00.  
A duplicate copy of this sheet is enclosed.

- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 09-0447. A duplicate copy of this sheet is enclosed.

- Any additional fees required under 37 CFR §1.16 for the presentation of extra claims.

- Any patent application processing fees under 37 CFR §1.17.

Respectfully submitted,

By:

Volel Emile  
Registration No. 39,969  
(512) 306-7969

Appl. No. 09/981,901  
Amdt. dated 01/26/2005  
Reply to Office Action of 10/27/2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:  
Drane et al. :  
Serial No: 09/981,901 : Before the Examiner:  
Filed: 10/18/2001 : John Q. Chavis  
Title: APPARATUS AND METHOD : Group Art Unit: 2124  
OF USING A HYBRID OF FIXED :  
MEDIA DATA AND NETWORK- : Confirmation No.: 7308  
BASED DATA TO PROVIDE :  
SOFTWARE CHANGES :  
:

AMENDMENT A

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of October 27, 2004,  
please amend the above-identified patent Application as  
provided below and consider the following Remarks.

**Amendments to the Specification begin on page 2.**

**Amendments to the CLAIMS begin on page 3 of this paper.**

**Remarks begin on page 9 of this paper.**

AUS920010864US1

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